

Pompton Lakes Community Advisory Group

January 9, 2012

Final Minutes

Meeting commenced at 7:07 pm.

Dana Patterson explained that Rich Chapin is under the weather and is not able to attend, he is available via phone or email tomorrow and facilitator Bob Spiegel is stuck in Florida.

Lisa Riggiola made a motion to approve the minutes from November 14, 2012. Rubino seconded the passing of the minutes, and Patterson announced that the minutes from the meeting on November 14th have been approved.

Patterson went through the action items on the agenda:

Outstanding resolution regarding sampling of flood-prone areas (tabled from September and November): CAG explained it is drafted and cag will finalize tonight. Riggiola read the draft resolution to the public. Rich Lombardo asked what the main concern of the testing would be; either a specific area of concern or testing just when flooding happens. Riggiola said this is specifically for areas that haven't been tested and are flood stricken. The gates open from the underneath and take all of the chemicals (lead and mercury) by water into the neighborhoods. During times of high water during the past hundred years, the heavy metals have been washed out and have been brought onto people's properties. The way the flood gates open and carry chemicals in the water has led to the recontamination of acid brook, and it should be added to the resolution. Add timeframe suggestion by George Popov (audience) prior to acid brook testing. Time is of the essence, they better thinking of where the contamination is coming from. It's not only acid brook, but also old Lake Inez. Riggiola states that an old friend of hers' Grandfather worked at DuPont and admitted that chemicals were dumped into Old Lake Inez. Craig Plowman adds point about Lake Inez photo at municipal center. Plowman agrees to add Lake Inez to resolution and transport of chemicals. It should be emphasized that Lake Inez should be added to the resolution along with a time frame.

Finazzo (USEPA) to look into additional signage at Pompton Lakes (tabled from November): Originally Barbara was in charge of this action, but she has since retired. Dana Patterson emailed Bonnie Bellows and explained that the Barbara had been previously looking into the extra signage. The signs that are already in place about fishing advisories are very temporary and can be easily taken down. Patterson says we need more permanent signs, such as metal signs placed in buckets of cement to be placed in the water. So that people in boats and canoes can see them. Bonnie Bellows emailed Dana back and said that she was going to send the request to John Filippelli who is the director of the EPA's Division of Environmental Planning and Protection.

CAG will resend letter to Borough and Council regarding contamination disclosure after they chose not to respond in October: The letter is going to be able to be signed this week and it can also be ready to be sent this week. The letter said that there is documentation that the council knew about vapor intrusion in 2001 and that the people of the town were not informed until 2008.

Follow up with Carolyn Fefferman (Menendez) & Assad Akhter (Pascrell) on resolutions #001 and #002: Tabled from last meeting and they are not present tonight. The CAG will call and send them an email again.

Follow up with letter to the Planning Board requesting a traffic study: The letter has been sent, but there has been no response within the last month. Plowman will follow up.

Send Resolution #007: TAGA unit: At the previous meeting Lisa mentioned bringing in EPA's tagging unit. They can perform air sampling in the community and have the ability to tell you the results on the spot. Cheryl has drafted a resolution for the TAGA unit & read the draft. The CAG approved the resolution.

Response to Resolution #004: DuPont's emissions: No response to stack emissions request. CAG will send a follow up email to the EPA.

Response to Resolution #005: Split sampling: Read email response from Finazzo. Patterson is going to resend everything to Bonnie Bellows to make sure everything is responded to. Patterson states that it has been requested that the EPA does split sampling with DuPont during their November round of groundwater testing and that EPA tests for the entire suite of pollutants. The EPA responded and said they pushed the date back to December, there has been no response to the testing as of yet.

Outstanding Technical questions from last meeting- Lombardo asked: Regarding the air stripper not having a filter, are there any tests to know the backup efficiency of this? Is it working properly? Chapin is not here so we will push that off until we can get a hold of him.

Request copies of the 3 pilot studies, CAG to check first if they are in the OPRA files: The CAG Check the list we have will see in OPRA review. The OPRA will be filed through the Borough of Pompton lakes.

Request a file review for all documents related to the DuPont Works Site from 1985-present to Pompton Lakes Borough: The CAG will file this by the next meeting.

Lisa Riggiola will send out link to Wolfe Notes DuPont story in Washington in next CCPL article: Done!

Resident Intintola to send concerns to Riggiola regarding water contamination and issue press release: We will be submitting this request and conducting the review prior. Still have more testing to do because the machine was not calibrated low enough last time.

There was a letter written to the MUA about water reports back in November and there still has not been a response. Need to send a copy of the letter to the EPA stating there has been no response. The CAG wrote to the MUA to ask for water reports and about well number 3, which is contaminated because of TCE.

Patterson states that the letter asks what causes the smell and discoloration of the drinking water between hydro flushing, to provide a chronology of known contaminants in Well 3, how was well 3 cleaned and why was it removed from this list. The CAG is going to send a letter to the DCA regarding to the vapor intrusion issues. Patterson states that this is still in draft mode.

Update on the Acid brook hearing & Comment period:

Riggiola reported on the hearing and rally with Lois Gibbs. Gibbs cannot believe we are not a Superfund site, cornered Bonnie Bellows in the bathroom and talked to her about what is going on. There are elevated levels of cancer and wells that are contaminated. Thirty years later and there still hasn't been any cleanup plan.

Riggiola explained that Chapin brought up great points and especially about high concentrations by Wayne properties. Riggiola states that the residents of Wayne and Oakland should be more concerned because when the lakes flood they run down stream and contaminate their communities. She explained that all people who

spoke did an excellent job. Patterson discussed flyer and comment period. She stated that people can still submit comments for the next week. Riggiola explained that talking points are on thecppl.org and she can get a hard copy if you need. She also explained that DuPont is only claiming responsibility for 26 acres and they need to clean up the entire 500 acres. Need documentation to prove that it is their duty.

Martens explained the need for Superfund so residents can sell their homes and refinance or loans, our town will become dilapidated because you cannot get money out to fix it due to the fact that it is a contaminated site.

It was explained in an article in the paper that DuPont does not know how they are going to fully remediate because there is no current technology that can do it. The company is reaching out to scientists around the country in order to fix up the toxic mess.

Patterson explained that at Raritan Arsenal and USEPA property in Edison, which has vapor intrusion, that they found a way to have a successful pilot study. Joe Intintola explained iron method that Chapin spoke of previously expensive method but DuPont has not tried that.

Intintola explained political connections and conflict of interest of the EPA CAG. Steve Greyberg receives money from DuPont on a yearly basis to treat the lake; last year received a check for almost \$23,000. John Soojan, president of the BID, receives money from DuPont on a monthly or yearly basis. Art Kafka, president of the chamber of commerce, has a PO Box in the post office and receives checks from DuPont every month. This means there is three people who are puppets. Fourth person, Tim Troast, there was an article on him, he worked for John Deer, which is the company who makes the equipment used on the site, and he is the territorial manager for DuPont. This may lead to the disbanding of the Environmental CAG, suggested making this the official CAG which would lead to EPA funding.

Comments made on how you can't fish or swim in the lake, but you are allowed to drink the water in the town. They are trying to set up a developing committee that they don't have a cleanup plan for or town.

Mr. Brad Campbell from the DEP, who was heavily involved in the cover-up, was able to get off a deal where they gave the state 70 acres of DuPont contaminated property back without any fines or problems. By law the state is not able to accept contaminated property back. If you want to find Mr. Campbell he works for DuPont in Linden.

Suggestion to send a letter stating that no EPA staff coming to the CAG meetings is unacceptable

Patterson said in Linden there is a contaminated DuPont site; they are looking to redevelop it to put a carbon sequestration and coal plant. A company called PurGen hired Brad Campbell, previously commissioner of the NJDEP, to be the lawyer for their project. Originally campaigned hard for the project, but now a year and a half later he stepped away from the project

Stated that DuPont apparently has 22 Superfund sites, (none in New Jersey)

Patterson asked that anyone who had concerns to write them down and send them to Chapin, he will respond in the next day.

Chapin previously said Pompton Lakes is in a valley between two mountains, and all the vapors would stay (calling it the LA affect). TCE comes out of the stacks, but eventually drops down to the earth because it is heavy. Patterson states that all of that is in Chapin's memo. Also may be on the CCPL website, and possibly

the CAG website. Was a suggestion for a filter on the stacks in the house itself to filter out those contaminants before they entered the air? But it was approved by the DEP; this is why it is said the DEP should not do it the EPA should because it would be done properly.

Someone talked to Tom Hatton today, and Hatton said the Federal Government does a lot of business with DuPont. Hold off a million dollar check from them painting a boat or something and tell them they do not get it until they stop messing with the people of Pompton Lakes.

Also said DuPont does not want a Superfund status to happen because the minute it becomes Superfund it will cost them 10-20,000 dollars more for every homeowner.

Maria Kent at the High School hearing (Acid Brook) stated it could not be a Superfund site because it was a working site when it started. The CAG explained this is wrong; it was not a working site. She was a councilwoman, was asked to step down because you cannot work for a municipal government and was a federal employee. Somebody filed a complaint and she was forced to step down, now her husband serves on the council. DuPont was not a working site because it was not producing a product at the time 30 years ago.

Patterson mentioned that Kent mentioned only orphaned sites could become Superfund site, this is wrong, cites examples of sites with responsible parties including Ringwood with Ford, American Cyanamid in Bridgewater etc. Kent also said if it's a Superfund site you have to wait for allocations from Congress to pay for the cleanup. Patterson said this is not true, when there is a responsible party, you do not have to wait for money to be allocated for the cleanup, and you can order a multibillion dollar company to pay for it immediately.

Gave the petition to the EPA, any way to get into Bob Martin and Christies hands? Going to print out copies and pass it to everyone. Going to send a hard copy to the senators and congressman.

A year from now there will be a new congressman, which means we are losing Pascrell, need to get a lot of work done in the meantime because we don't know what can be done afterwards. The front runner apparently is not too responsive to residents. Need to mobilize support against him. Pascrell will still fight for the families of PL, even though he is going to be redistricted. We need to hold him to that. Need to work hard from January to June, because if he does not win the primary he is out.

Can we coordinate with Pascrell with the office of the new potential congressman? We can schedule a meeting with him when the time is right.

Is there an update on the 3rd party mitigation system installations? If you use a 3rd party, the person has to come to house, come up with a plan, send it to the EPA, who gives it to? To look at, if they like it, then you can move on under the other system O'Brien and Gere make up the plan, no one reviews; they give the plan to the building inspector, and say thanks and then put it in

A suggestion to Ariella to send the CCPL, or the PLCAG, the details of the system, they will follow up on it and ensure she gets help. Apparently DuPont wants people to sign a waiver to use a third party, people are being told to not sign the waiver. According to the work plan, DuPont was supposed to seal everything in the basement; they are trying to get around that.

The difference between 3rd party contractors and the regular ones are night and day, urge people to go 3rd party. A Lot of the O'Brien systems are not up to standard and unsafe

Story of a Duplex house of Walnut Street that had a system that was not working, as well as a not-working alarm system. They called the town, they robbed parts from the vacant other part of the duplex, and then said it was done. The system apparently went defective after a month. It was reiterated that 3rd party contractors have to send their plans to the EPA, and DuPont who ok's the design, and then sends the permit

DuPont has a written clause that they have to approve it, once they received that clause; they made it so O'Brien and Gere have to approve it. EPA and DuPont basically getting around state law could be an issue. Pompton Lakes is the first in the US to have freedom of choice in terms of contractor to install a vapor intrusion system in a contaminated site.

Polluters are watching this and are trying to make it fail, so things go back to the way where they get to put the system is, too bad. They are using it under the guise of ensuring people don't get ripped off. Nobody is supervising O'Brien and Gere, they don't have to send their design to the EPA, and if they did it would fail. Every O'Brien system operates at a point where the fan is overloaded, which is rattling the bearing which is why it's so noisy. Tom's system is at the perfect window of operating capacity.

Patterson asked if there were any more questions about vapor intrusion.

Intintola mentions that Chapin stated Obrien, DuPont, and DEP made a backroom deal. Normally if a house was an industrial building you would have to apply for an air discharge permit and have a filter on the stack, by making the vapor intrusion systems radon compliant, it defeats the purpose of putting the filter on the stack and saves the money. If they removed that every single house would have a filter on it. In the DuPont work plan there was not supposed to be a system within 10 feet of your neighbor. In the O'Brien plans they all are. Hatton does not put a cover on the stack, but because he has a lower water column reading, he has higher cfm rate. As the water column goes up, air movement goes down. Air is constantly going out of the vent; the only requirement is a rodent screen, which Hatton does.

Patterson moves it to the public session, asks for any questions or suggestions. Intintola asked if the EPA cut off time is January 13th, when do you think they will have a conclusion to the answer for the permit.

Bill Wolfe sent an email stating there is missing info on the acid brook that he has to review. He is trying to get it extended, wrote to Judith Enck, and needs more time to review documents.

Also needs other documents such as a full fish assessment for wildlife, the fish they used was too young to sample. So it may get extended. Everyone else should also ask for an extension on the comment period. If there is no extension, they have to provide a written response to every single comment before they say yes or no to the permits. Could take them over a month, maybe longer.

Suggestion to say they can't issue the soil permit until EPA issues the cleanup plan. Also need to come up with defenses the soil permit done, like asking what about the rest of the lake? In the plan they found mercury by the dam, but they would not remove it because there is so much sediment, this should be brought up. They should not pass the permit if they don't know how to clean up the property because it will only be re-contaminated; they should clean up the site first.

Patterson asked if there were any more questions. Daria asked if the burying of information from the citizens is breaking the right to know law. Yes, Patterson and others are using OPRA in an attempt to force them to leave it. There was so much information that it could not fit all in the DEP, it's now part in a warehouse, and part in EPA.

Spoke of a resident who used to live in Pompton Lakes who now lives in Colorado. He was a federal agent; he has been writing and is very concerned there has been criminal activity done.

If regular citizens decided to dump these chemicals they would be in prison. He is giving a lot of suggestions on how to pursue this on a justice type level, a lot of good people working on it, and is seeing what actions to take. Because DuPont was with the Department of Defense there is a problem, they were protected by the government

Intintola mentioned that on the corner of Cannonball Road and DuPont place, there is a substation that provides electricity to Pompton Lakes, part of Wanaque, part of Bloomingdale. The larger transformer was put in back in the 30s, originally had PCB in it. Back to 98-2000 JCP&L filtered PCB out to less than 50 parts per billion (EPA level), the last nine months that transformer developed a leak. Leaking a coolant (mineral oil). Intintola alerted the prior administrator of Oakaletta? Called JCP&L, they had spill pads turning yellow from the oil. The oil is a hazard contaminant, is under EPA level, but still a contaminant. Recently called again.

Patterson said to immediately call 1-877-WARN DEP; they will send someone out to the site. She explained a resident of the community has to call it in, and then they will send someone out.

They want to monitor it, reseal it, if that doesn't work take the transformer out and make a repair. Issue is there is cement troth under the transformer that goes right into the acid brook, which would bring it to the lake. Intintola brought it up at the council meeting, and Vito said they were told it was vegetable oil. Got a hold of JCP&L of the environmental engineer who spoke to Vito and said no, it is a contaminant, under EPA levels, but no one is pushing them. Patterson reiterated the need to townspeople to call the DEP themselves, and to get the case number so it can be tracked.

Patterson asked if there are any more questions.

Motion to close, seconded, meeting adjourned at 9:10 pm.